

COUNCIL PROCEEDINGS

JOURNAL 167

FEBRUARY 2, 1999

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, February 2, 1999
Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Rogers; present. *Council Members Ferris, Kamen; absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Father Terry McKloskey, Spiritual Life Center.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved The minutes of the regular meeting of January 26, 1999, were approved 5 to 0. (Ferris, Kamen; absent)

AWARDS AND PRESENTATIONS

SERVICE CITATIONS Distinguished Service Citations were presented to those present.

*Council Member Kamen present.

PROCLAMATIONS Mayor Knight presented the Proclamations that were previously approved.

RECOGNITION Outstanding youth volunteers of Wichita's Promise SERVE Council were recognized.

*Council member Ferris present.

PUBLIC AGENDA

Comments by Lynn Wasinger.

Lynn Wasinger

Co-President of the South Area Neighborhood Association presented a petition requesting that "current development be temporarily suspended until such time as current safety issues, including but not exclusively of, water drainage problems, and lowering and widening of Hydraulic can be assessed and addressed." Areas of concern are:

1. Hydraulic, east and west sides of street, between 50th South and 63rd South.
2. 47th, both north and south sides of street, between Hydraulic and Broadway.
3. Broadway, both east and west sides of street, between 47th South and 55th South.
4. 55th South, both north and south sides of street, between Hydraulic and Broadway.
5. 49th Street from Hydraulic west to Lulu.

Further, the Petition asked the City to review and reassess any future permits, zoning, plats, and codes regarding mobile home and manufactured home land developments in south area of Wichita and Sedgwick County.

No action was taken.

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NEW BUSINESS

WATER PETITION

PETITION FOR A WATER DISTRIBUTION SYSTEM TO SERVE AN AREA SOUTH OF 61ST STREET NORTH, EAST OF THE LITTLE ARKANSAS RIVER. (District VI)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 99-085.

The signatures on the Petition represent 200 of 390 (51.3%) owners that own 46.6% of the improvement district area. CPO Council 6 considered the Petition on January 13, 1999. The Council voted 7-0 to recommend approval. The improvement district is primarily comprised of single family homes that are served by private water wells. An area of contaminated groundwater is located nearby.

The estimated project cost is \$875,000, with \$796,000 assessed to the improvement district and \$79,000 paid by the Water Utility. The Utility share is for the cost of pipe over sizing to serve development beyond the improvement district. The proposed method of assessment contained in the Petition is the fractional basis. The estimated assessment to individual properties is \$2,400 for lots of 22,000 or less square feet of an area and \$3,600 for lots over 22,000 square feet of area.

A Petition has been submitted representing 200 of 390 (51.3%) owners in the improvement district area.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Cole moved that the Petition be approved and the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 7 to 0.

-- carried

RESOLUTION NO. R-99-055

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89363 (south of 61st Street North, east of the Little Arkansas River) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

PAVING PETITION

PETITION TO PAVE HOOVER, FROM FIRST TO SECOND STREET. (District IV)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 99-086.

The signatures on the Petition represent 6 of 12 (50%) resident owners of 80.3% of the improvement district area. On January 14, 1999, CPO Council 4 considered the Petition. The Council voted 4-0 to recommend approval.

Hoover, between First and Second Street, is a sand road that provides access to a group of single-family homes and a KGE Transformer Station.

The estimated cost of the project is \$115,000 with \$25,000 paid by the City and \$90,000 assessed to the improvement district. The City share is for the cost of intersection construction. The proposed method of assessment is the square foot basis. The estimated assessment rate is \$00.32 per square foot of ownership.

It is recommended that the City Council approve the Petition; adopt the authorizing Resolution; and authorize the Staff Screening & Selection Committee to select a design engineer.

A Petition has been submitted representing 6 of 12 (50%) owners in the improvement district area.

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Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that the Petition be approved and the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design

-- carried

engineer. Motion carried 7 to 0.

RESOLUTION NO. R-99-056

Resolution of findings of advisability and Resolution authorizing improving of Hoover from the south line of First Street to the north line of 2nd Street Project No. 472-83066 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

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SUMMER OF DIS.

SUMMER OF DISCOVERY PROGRAM.

Connie Neeley

Connie Neeley reviewed the Item.

Agenda Report No. 99-087.

For years, the City's Park and Recreation Department has offered a variety of summer programs/activities for Wichita youth. The Day Care/Day Camp program has been offered at five park locations and a structured environment where children could have a variety of recreational and youth activities. The hours of operation for this program were between 7 a.m. and 6 p.m. The charge for this program was \$65/week.

In addition, a Summer Fun Program was also offered at five different locations. This program was geared to disadvantaged youth and provided variety of recreational activities. The hours of operation for this program were 9 a.m. until noon; and 1 p.m. until 4 p.m. Parents paid \$5 per week for this program. In 1998, the City assumed the operation River Kids Program. This program was specifically directed to teaching children how to sail and operate small water craft with associated water safety techniques.

During the budget process, the Park and Recreational Staff was directed to develop a new and more comprehensive summer youth program that would be both educational and recreational. With the assistance of a Loaned Executive, initially focusing on ways to strengthen the River Kids Program, a new concept was developed that will provide for a more comprehensive and exciting recreational program for children. This new plan was developed using the best of the current programs already provided by the Park and Recreation Department. With the leadership provided by the Loaned Executive, the concept for the Summer of Discovery was born.

The proposed Summer of Discovery program would operate for five (5), two-week sessions, for a total of ten (10) weeks, operating from 7 a.m. and concluding at 6 p.m. The core curriculum would not start until 9 a.m. and would last until 4 p.m. [The times before and after this period would be for quiet learning activities, games or other recreational activities, giving parents ample time to drop off and pick up their children.] The program would be held at ten (10) different locations within the City.

The planned curriculum (activity schedule) would include five major themes: Water Safety and Boating; Sports and Fitness; Arts and Entertainment; Magic and Technology; and Science and Nature. Activities would create an exciting, fulfilling and enriching environment for children throughout the summer. Activities would be brought to the sites, whenever possible, to save on transportation costs. However, throughout the summer children will be able to experience learning, educational and recreational trips to the Cosmosphere, Ice Center, Tennis Center, Botanica, Wichita State University, Omnisphere, CityArts, Great Plains Nature Center, among others. Parents will be provided a schedule of activities so they will know where their children are at all times.

This program will be available to children from families of all incomes. The cost per child will be based on a family's ability to pay. (The Park and Recreation Department will follow the school district's guidelines as set forth in the Free and Reduced Lunch Program.) The full cost for this program has not yet been established; however, it will not be much more than the prior year's summer programs. Whatever the fee established on a per week basis per child, it can be adjusted based upon family income. The fees charged will be competitive based on other summer programs offered in the City.

The Summer of Discovery will, initially, accommodate up to 100 children per week at each of the ten locations, for a total of 1,000 children. It is anticipated that as this program becomes better known, other location will be defined in future years, allowing greater youth participation. Parents will be able to enroll their children for this program every two weeks at any of the park locations, or at the Park office located in City Hall.

Each of the ten locations will be staffed by both part-time and full-time personnel. It is anticipated that the staff-to-child ratio will be 1:16 (one staff member for every 16 children).

If this program is approved by the City Council, Staff will undertake a comprehensive marketing program to inform the community on this new Summer of Discovery program. The budget includes marketing, which would be in addition to public service announcements, notification on Channel 7, "Ask City Hall," notification to neighborhood associations, CPOs and through the school district.

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Based upon 100 children at 10 locations (total 1,000 youth) the proposed program will cost approximately \$464,000 for the entire summer. Park and Recreation Staff estimate that in the first year they will achieve about a 81% cost recovery. This is based on the historical revenues and expenditures for the Day Care/Day Camp, Summer Fun, and River Kids programs. (Combined, these three programs generated an 85% cost recovery). As the program continues in future years and become better known and participants increase, the recovery percentage should reach a self- supporting level.

Utilizing the budget allocations for the three programs (that will be incorporated into the new Summer of Discovery Program), together with the \$100,000 set-aside for at-risk youth programs, an additional \$84,000 is estimated to be required to implement this new program. These funds are available from the Neighborhood Initiative/Centers fund/account.

The City is investigating possible licensing requirements from the Kansas Department of Health and Environment (KDHE). It is anticipated that facilities will not be required to obtain a day care licence (which would reduce the number of children who could participate in the program at each location and could result in extensive facility modifications). Steps are being taken to initiate discussion with KDHE staff to ensure that licensing is not required.

Vince Kendrick Recreation Director, responding to questions, said recreation dues would be on a sliding scale from \$5 or \$10 to \$65. There is some flexibility in the program that would allow children from overcrowded areas to be moved to available sites.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Knight moved that the Summer of Discovery Program be approved and the use of funding, as specified to support the implementation of this new summer youth program, be authorized. Motion carried 7 to 0.

-- carried

TOUGHMAN CONTESTS TOUGHMAN CONTESTS - PROPOSED RULES/REGULATIONS.

Klaus Kollmai Klaus Kollmai, Chair of the Athletic Commission, reviewed the Item.

Agenda Report 99-088.

On July 7, 1998, following a public hearing and acting upon the recommendations of the City-County Health Department Board, the City Council took action not to prohibit "Tough Man Contests" within the City. The Council directed that the Athletic Commission be reconstituted and that all rules and regulations be evaluated and revised, as necessary, to provide better oversight of such contests.

The Wichita Athletic Commission was established (in 1980) by Section 3.77.010 of the City Code under the authority of K.S.A. 12-5101 et seq. The Commission's purpose is to provide for the regulation of professional boxing, wrestling, and non-sanctioned amateur boxing matches within the City of Wichita. The types of events held include professional boxing, professional kick boxing, full contact martial arts contests, and "Tough Man" competitions.

The jurisdiction of the Wichita Athletic Commission includes the establishment and promotion of rules and regulations governing, in all aspects, the conduct of professional boxing, wrestling, sparring matches, and exhibitions held open to the public within the city. The noted exceptions to the regulatory authority of the Wichita Athletic Commission include those exhibitions, matches, or contests sanctioned by the National Association of Intercollegiate Athletics, National Collegiate Athletic Association, Amateur Athletic Union of the United States, Golden Gloves Association of American, the National Junior College Athletic Association, or conducted under the control of the Kansas State High School Activities Association.

Under Commission procedures, Promoters wishing to hold boxing or wrestling events within the Wichita area are required to obtain Commission permission. Promoters must also apply for an occupational license from the City within thirty (30) days of the proposed event and enter into written contracts with the contestants to abide by the rules and regulations of the Commission. Since 1992, there have been

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nineteen events held in Wichita under the authority of the Commission.

On January 6, 1999, the newly constituted Wichita Athletic Commission met to review the development of new rules and regulations governing the Tough Man events in the City of Wichita.

On January 13, 1999, a second public hearing of the Wichita Athletic Commission was held to discuss the proposed new rules and regulations governing the Tough Man events that are held within the City. The public hearing was attended by promoters, athletes, former Athletic Commission Members, medical professionals and various interested parties in the community. During this meeting it was learned that a Tough Man event was scheduled for February 19 - 20, 1999. The Commission moved to waive the 30 day mandatory application provision for the applicant, but established that any subsequent new requirements established by the Commission governing the Tough Man Competitions in the City of Wichita would be wholly applicable to the tentatively scheduled event.

On January 20, 1999, the Wichita Athletic Commission conducted a third public hearing during which the Commission approved the proposed health and safety rules and regulations for the Tough Man Competition for submission to the City Council.

Responding to questions, Mr. Kollmai said referees are sanctioned by the Boxing Association.

Referee knowledge in CPR is being recommended to ensure that if an attendant should be called away, a referee would be able to assist with CPR. Historically, most officials have been trained in CPR.

Greg Gorrell Greg Gorrell said recommendation number five puts fighters at risk. Of utmost importance is qualified referees - not quality CPR administration.

Mr. Gorrell agreed with alcohol testing but disagreed that drug testing should be done. If approved, Wichita would be the only City in the nation requiring drug testing.

Jeff Schroeder Jeff Schroeder, co-promoter, said his only issue is the urine analysis which would not be logistically possible. Drug testing would not head off the concern of drugs in the body before the contestant enters the ring.

Gary Rebenstorf Director of Law stated that if a physician is involved, the test process would be validated. The City would have to rely on the physician's determination.

Dr. Magruder Dr. Magruder said tests are available with a one percent false-positive rate for PCP and a zero percent false-positive rate for the other test items required. The cost would be \$10 per individual. Reading the test would be automatic as long as the reader can determine colors.

Motion -- Ferris moved that the rules be approved with the exception that, under physical requirements it be added that participants would state that they have no history of headaches, and that No. 5 should read, "Officials/Referees shall be sanctioned and experienced in boxing, and prove knowledgeable in universal blood precautions and appropriate blood handling procedures."

Amendment -- Ferris, with consent of the second, amended the motion to add that the promoter should be responsible for the administration and expenses of drug testing.

-- carried Motion, as amended, carried 6 to 1. Knight - No.

(This Item was taken up later in the meeting; action is shown in Agenda order.)

CONDEMNATIONS **REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.** (Districts I and VI)

Agenda Report No. 99-089.

On December 22, 1998, a report was submitted with respect to the dangerous and unsafe conditions of the buildings located on five (5) properties. The Council adopted a resolution providing for a public hearing to be held on these condemnation actions at 11:00 a.m. on February 2, 1999. Since that time one (1)

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property has been demolished by the owner.

On December 7, 1998, the Board of Code Standards and Appeals (BCSA) held hearings on the following properties:

Property Address	Council District
1. 1321 N. Santa Fe	6
2. 5503 N. Sullivan	6
3. 908 S. St. Francis	1
4. 1028 S. Wichita	1

Pursuant to State Statute the Resolutions were duly published twice on December 23, 1998 and December 30, 1998. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

1321 North Santa Fe

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard

Ms. Pouncel

Ms. Pouncel said she has been working on the home for about two years and would like to see the property remain in the family. She plans to replace the roof on the rear structure. Contractors left the debris and she has had a trash company pick up the debris once.

The main house should be completed as soon as weather permits painting.

Ms. Pouncel requested 60 days to complete repairs on the rear structure.

Motion --

Cole moved that the public hearing be closed, the resolution declaring the buildings as dangerous and unsafe structures be adopted, and 60 days to complete repairs be granted with the condition that within ten days all the trash, as deemed by OCI, be removed. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of February 2, 1999; (2) the structure(s) has/have been secured as of February 2, 1999 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of February 2, 1999 and will be so maintained during renovation. If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official city paper and advise the owners of these findings.

-- carried

Motion carried 7 to 0.

RESOLUTION NO. R-99-046

A Resolution finding that the structure located on the north 14 feet of Lot 307, all of Lots 309, 311, 313, 315, on 5th Avenue, now Santa Fe Avenue, in Ferrell's Second Addition to Wichita, Sedgwick County, Kansas, commonly known as 3121 North Santa Fe, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

5503 North Sullivan

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

The property owner died and the attorney representing the property requested a two- week deferral.

Motion -- carried

Cole moved that this Item be deferred two weeks. Motion carried 7 to 0.

908 South St. Francis

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

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Alfred Bergkamp Alfred Bergkamp asked for an extension of 60 to 90 days to allow time to sell the property to an investor for resale or rebuilding.

Council Member Cole Council Member Cole said the cost of demolition through the city has been less than for bids received for private demolitions. A cleared site might make it easier to sell the property.

Motion -- Rogers moved that the public hearing be closed, the Resolution declaring the buildings dangerous and unsafe structures be adopted, and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of February 2, 1999; (2) the structure(s) has/have been secured as of February 2, 1999 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of February 2, 1999 and will be so maintained during renovation. If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official city paper

-- carried and advise the owners of these findings. Motion carried 7 to 0.

RESOLUTION NO. R-99-048

A Resolution finding that the structure located on Lots 78-80, Block 18, Orme & Phillips Addition to Wichita, Sedgwick County, Kansas, commonly known as 908 South St. Francis, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

1028 South Wichita

Kurt Schroeder Superintendent of Central Inspection reviewed the Item.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- Rogers moved that the public hearing be closed, the Resolution declaring the buildings dangerous and unsafe structures be adopted, and the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure be accepted. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of February 2, 1999; (2) the structure(s) has/have been secured as of February 2, 1999 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of February 2, 1999 and will be so maintained during renovation. If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official city paper

-- carried and advise the owners of these findings. Motion carried 7 to 0.

RESOLUTION NO. R-99-049

A Resolution finding that the structure located on the South 13.5 feet, Lot 4, all of Lot 6, Wichita St. Sones Addition to Wichita, Sedgwick County, Kansas, commonly known as 1028 South Wichita, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

CITY COUNCIL AGENDA

DESIGN REVIEW TEAM **DESIGN REVIEW TEAM REPORT.** (Previously submitted)

Chris Cherches City Manager reviewed the Item.

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Council Member Ferris requested that a report be provided to the City Council on the background of the Design Review Team and the scope of their efforts. A brief overview of this Team, together with its functions, is herein provided.

Concept and Purpose: The Design Review Team (sometimes referred to as CART) was established in 1998 for the purpose of reviewing City-owned capital projects to assure quality development and attractive public improvements. In short, the intent was to obtain creative and a variety of professional advice (from local talent and at no cost) on how public projects could be improved visually and have the greatest impact on the City's capital improvements.

The Mission of the Team is "...to provide advice and counsel to City Staff and City Council on matters of aesthetic quality related to public improvements. The Review Team is to improve and utilize local volunteer professional talent to improve the quality of life for all citizens and visitors in Wichita, by recommending ways, methods for creating more attractive public improvements, thus creating a more beautiful urban environment."

The Team was initially conceived as a way to promote more attractive public works projects, and in doing so, serve as a "role model" for private sector development projects. The goal was to voluntarily encourage better design and aesthetics for public improvements, rather than regulate or enforce compliance with design standards.

The Review Team seeks to develop cooperative relationships with City staff and consultants in developing appropriate standards and procedures for reviewing plans/specifications and the best possible designs for public buildings, roads, bridges, and other capital improvement projects without increasing allocated budgets. The Design Team is also responsible for making recommendations that ensure a higher level of quality in overall physical development by reviewing public improvements funded by the City which have a visual impact. In recent years, projects that involve the use of public-owned land and/or buildings receiving City assistance have also been reviewed.

Composition of Team: The Team is comprised of seven design professionals, appointed by the City Manager from the fields of landscaping, architecture, engineering, planning art and other related professions. Selection is based upon experience and professionalism, with the ability to review the aesthetic features of City capital projects from a city-wide perspective and offer professional advice to both the City's consultants (and to City Staff) on how City projects can be improved in both function and design.

The Design Review Team operates as a professional advisory group and has no binding authority. Projects are presented in a workshop environment so that team members can communicate in an informal environment with project presenters (Staff or consultants).

Projects are generally reviewed at the following stages:

1. Conceptual Design Review

The first presentation is made at the point when the consultant has arrived at a design which meets all of the functional requirements of the program and has been tentatively approved by the City Staff as meeting the scope of the work. Before authorization is given to the consultant to move forward to a design development stage, the project is presented to the Design Team for review.

2. Design Freeze Review

The project is again presented when the design of the project has been perfected to the point where all design factors (shape, size, materials, colors, landscape, exterior relationships, amenities, etc.) have been decided and tentatively approved by Staff.

It is at this point the design is considered "frozen" by the consultant and will not be changed except for unforeseen conditions which may arise.

3. Major Project Change Review

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Under exceptional circumstances, it is sometimes necessary that major changes be made in a project after an aesthetic review has been made. In such cases, depending upon the extent and scope of the changes proposed, and the stage at which the project stands, the project may be resubmitted to the Design Team at the most appropriate stage, i.e., either Conceptual Stage or Design Freeze Stage.

Although three stages are defined, most projects are reviewed only twice; at the Conceptual Stage and at the Design Freeze Stage (final design). The third review is available so that the Review Team maintains the opportunity to advise at final project design.

Projects Reviewed in 1998: In 1998 CART reviewed over 25 different projects including the following:

- * Zoo Boulevard improvements from 12th Street to I-235
- * Keen Kutter improvements and Parking Garage at Old Town
- * Murdock Bridge rehabilitation
- * Mount Vernon Bridge and Eastern Street Bridge, 25th Street North
- * YMCA improvements funded by IRBs
- * Central and McLean improvements
- * Central Avenue from Oliver to Woodlawn
- * College Hill swimming pool renovations
- * Seneca Street from Kellogg to McLean
- * WTA bus passenger shelters
- * Auburn Hills Golf Course Clubhouse
- * Eaton Hotel Block (*)

The Eaton Hotel project is an example of a project where the input of other boards was called upon for project review. This project was reviewed jointly by the Design Review Team, Public Art Advisory Board, and the Historic Preservation Board in an attempt to reduce the number of review meetings.

PROCESS - EXPERIENCE:

The work of the Design Review Team has been excellent. Countless hours have been contributed by local professionals in reviewing hundreds of City projects. These professionals have offered ways to improve the overall design and aesthetics of public improvements. Over time, experience has shown that the process could be better facilitated and processed when the Design Team is made part of the front-end process which establishes design criteria for public improvement projects.

Under the current process, criteria is established and communicated to the design professionals by the initiating departmental Staff (i.e. Public Works, Parks, etc.); and as a result, the Design Team may learn of the criteria for the first time at the project review meeting. When this occurs, the project make take longer to review, because the Review Team members must not only become familiar with the project, but also understand the underlying Staff thoughts relating to project design. When this happens, the project review can be time consuming and result in unnecessary discussion.

A second noted problem is that there have been instances of inconsistency with the Design Team critiques. Although the Team utilizes design criteria, members have from time to time have not been consistent with recommendations. This situation has occurred less frequently as members of the Design Team have become more familiar with their roles and the goals of the design review efforts.

Last year, the Design Review Team was joined by members of the Public Art Advisory Board (PAAB) in the review of various public projects. While this expanded the interests represented by the reviewers, it provided a means for more involvement and input on proposed capital projects. Based on comments from both the Design Review Team and the PAAB, there has been support for some type of joint review, or a consolidation of representatives from both the Public Art Board (appointed by the City Council) and the Design Review Team.

PUBIC ART ADVISORY BOARD:

The Public Art Advisory Board (PAAB) is a separate board - appointed by the City Council - in 1988 in response to a Citizen Task Force. This special task force organized a symposium and forwarded

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recommendations to the City Council regarding future public art efforts in Wichita.

Its Mission is "to place art of the highest quality in accessible public spaces; successfully integrate art and architecture; create new opportunities for visual artists; stimulate an awareness and understanding of the arts and the creative process; and to reflect on Wichita's cultural heritage."

Composition of PAAB: The Public Art Advisory Board is comprised of seven members appointed by the City Council. Three of the members of the board are to be citizens who are actively involved in the arts and are interested in the aesthetic quality of the entire community. The remaining four members of the Board are to be local art/design practitioners. The City Arts Director provides staff support to the Board. Initially, this Board was comprised of persons actively involved in architecture, commercial art, artists and other professional related fields.

Role and Purpose: The purpose of PAAB is to provide a mechanism for input and oversight regarding public art planning and related activities. Specifically, the scope of the Board's responsibilities include:

- * Making recommendations to the City Council regarding perpetuation and expansion of public art within the City.
- * Advising the City Council on the selection and promotion of public art and the coordination and development of public art in the City.
- * Serving as liaison to the private sector, artists, and art groups on public art matters.
- * Advising the Council on a public art program that will encourage private and community support and involvement and implementation of the public art program.
- * Recommending programs that will educate the community on the economic and other benefits associated with public art and increase understanding and enjoyment of public art by residents.
- * Acting in an advisory capacity to City departments, boards and committees on matters pertaining to the public art program.
- * Working with other community groups to jointly sponsor public art events or competitions.

Joint Reviews: Recent involvements have included participation in the selection of jurors for public art enhanced projects (i.e. Douglas and Lewis Street bridges, etc.), and the review of final plans for construction of major public projects. Because of the time involved for two reviews of major public improvement projects - the Design Review Team and the PAAB, an informal arrangement has been made whereby representatives of both groups have jointly reviewed projects, thus reducing the time required for such project reviews.

EVALUATION OF PROCESS:

After ten years of involvement in City project reviews, the work of the Design Review Team has been highly successful and has significantly enhanced the caliber of public projects that have been constructed. Likewise, the efforts of this group of professionals have provided for a heightened awareness of quality design and more attractive public improvements. Projects ranging from the Seneca Street bridge to the Transit Center, along with a variety of other public projects have benefited from these local professionals - giving their time and talent at no cost to the City, but only with a commitment to improve the quality and attractiveness of public improvements. Even though it has taken a little more time and effort of Staff to coordinate project reviews and make the necessary adjustments, the results overall have been beneficial to the quality of life in Wichita and to the benefit of the citizens as well. There have been very few professional consultants who have been retained by the City to design public projects who do not feel that such reviews have been beneficial to them in their designs and completed projects, even though such a process requires several additional meetings.

Still, like any operation or process, improvements are possible, especially with the experiences gained on each project. In the spirit of

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improving an already successful process, the following recommendations are being offered to the City Council as a means to improve the process:

(1) Integrated Review: The Design Review Team's primary focus is to make recommendations on the aesthetics/design features of all public capital improvements and those projects that utilize public support, including Industrial Revenue Bonds. The Public Art Advisory Board provides recommendations on the integration of art into the community as well as makes recommendations on the selection and placement of art in public places. Inasmuch as both groups are primarily concerned with improving the quality and aesthetics of the urban environment, it may be beneficial and more efficient use of time to combine the Design Team and the PAAB into one reviewing body, provided that appointees have a strong design background and related professional disciplines. A primary purpose of the merged board would be to develop and define the design criteria for public improvement projects. A secondary purpose would be to make recommendations on the appropriateness of the inclusion of public art and design into a project.

In 1994, a Wichita Community Cultural Plan was developed which examined public policy relating to the arts and culture, cultural planning and local cultural development. The Plan defines the need for making modifications to the Arts and Humanities Council so that there can be a more coordinated, system-wide approach in the delivery of arts and cultural programming. Combining the two boards, Design Review Team and PAAB, into a new Art and Design Board, fits with the recommendations in the Plan for creating a structure for planning and supporting cultural arts development. It is envisioned that this new Board would work directly with the Arts and Humanities Council and provide representation in its governance structure. Thus, public art and design in capital projects would be linked with the larger arts community.

(2) Incorporation of Public Art/Design in the CIP Process: A more coordinated and streamlined approach for incorporation of art and aesthetic design in public projects is possible by utilizing a merged board. With the new board (Art and Design) public art and design approval for public projects would be incorporated into the project at both the initiation stage and during the implementation process. This process would enhance the planning and budgeting of the project as well as reduce the number of reviews performed on major public projects. To accomplish this objective would necessitate a coordinated approach and involvement in the early stages of project planning and preparation in the City's Capital Improvement Program (CIP) process. An example of a suggested new CIP process is outlined:

Step #1 - In the annual CIP process, departments identify projects for the current year and for the next five to ten years. At this initial identification stage by Staff, the Art and Design (Board) would review those projects and comment on the need and/or appropriateness of public art and design criteria. Utilizing Board recommendations, the project initiating department will estimate the cost for public art and design enhancements and incorporate those costs in the preliminary budget for this project. With an early inclusion in the design criteria, very little, if any, budget impact on the project should be experienced.

Step #2 - The Staff CIP Committee will take departmental requests and develop the draft CIP document. At this stage, there will be an analysis of the project budgets along with an estimated cost for public art (associated with capital improvement projects) will be determined. [The City Council has previously committed to allowing one percent of the total CIP budget for this purpose and some estimation can be made to ascertain if projects are within this authorized allocation.]

Step #3 - Once approved by the City Council, departments will initiate CIP projects. During this stage, the project is more fully defined and a design program is developed. The design program will include issues associated with size, cost, quality, history, relationship to the overall CIP, and community input. Once the project is more fully defined by the initiating department, it may become apparent to seek public comment. (For example, a CIP project initiated in a historic district could be presented at a neighborhood meeting and citizens would have the opportunity to comment on the aesthetics/design criteria for the project). Citizen comments would be utilized in developing design criteria for the project. The Art and Design Board would likewise make recommendations on the final design program.

[At times, it may be necessary to utilize a design team (primarily for large projects), which comprises a facilitator and designers (architects, engineers) to work with the stakeholders in the development of a design program. This design team would provide guidance on the quality, as well as the intended effect of art and design as it relates to the specific project and the community as a whole. The design team would also assist the department with developing more specific costs associated with art and design. Specific

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examples of the need for a design team are the Core Area bridge projects. For these projects, a design team facilitated the meeting with stakeholders (citizens, businesses, River Festival representatives, a merchant association, CPO, neighborhood associations, etc.) to develop design criteria for the downtown bridge projects.]

Step #4 - The art and design criteria are then included in the RFP for the project. Once the architect/engineer has been selected and has prepared the preliminary design (or concept), the project is referred to the Art and Design Board for compliance with the initial design program. Comments from the revised board (and/or other groups involved) are included in the revised design.

Step #5 - Finally, the City Council would authorize the construction of the project, and the incorporation of public art and/or design criteria into the project.

Advantages of the Revised Process: In addition to improved planning and review coordination of capital projects, there are several advantages associated with the proposed process outlined above, including:

- * Inclusion of public art and design is at the "front-end" of the process. Even though the costs of art/design criteria are only estimates, the need for this expenditure has been defined at the conception of the project.
- * Review of art and design criteria has been simplified by the creation of only one board, with representation of local professionals and persons knowledgeable in the arts.
- * The process provides more opportunity for citizen input for larger and more complex community impacted projects. Before a project is fully designed, and even before an architect or engineer has been selected, the citizenry will have an opportunity to comment on public art and/or design criteria.
- * The Art and Design Board has an opportunity to review the project prior to final design. This provides a more fully conceptualized project which has had the input of a design team. The Board is not trying to add public art to the project at this point, or make radical changes to the design.
- * The cost of art and design is included in the overall budget for the project.

Proposed Structure for the New Board: If approved by the City Council, it is proposed that the consolidated board (Art and Design Board) be comprised of nine- members and that appointments would be restricted to the following professional disciplines: (2) architects; (2) landscape architects; (2) engineers; (1) artist; (1) graphic artist; and (1) representative-at-large who has an interest in art/design. It is suggested that the City Council appoint seven (7) members and authorize the city management to appoint two members. The term would be for two years with an option to renew for a second term.

The City has expended significant funds making capital improvements throughout the community. Until the implementation of the Design Reviews, many of these improvements lacked imagination and creativeness in design and consequently did little to enhance the visual appearance of these projects. Critics of the design review process can point to time-consuming project reviews, or added costs to consultants, and some even may point to comments or recommendations made pertaining to other features of the project - - other than design. Few, however, can criticize the impact that the Design Review Team has had on improving public design and the impact on appearance and quality of public projects in Wichita.

The process has been successful and should remain to protect and enhance the public investment made in capital projects. While the process can, perhaps, be improved, the original intent of the Design Review of improving the quality of life for all citizens and visitors and creating a more pleasing urban environment, with particular attention to public improvements, should remain a primary goal of City government.

The recommendations contained herein will address the issue of clarifying what projects are subject to the design criteria; and a single design review (by consolidating the Design Review Team and the PAAB), thus reducing the number of project reviews.

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The City Manager's proposal of a combined team in an advisory capacity would be appropriate.

Council Member Ferris said he had no problem with the City Manager's suggestions.

Council Member Cole Council Member Cole said streamlining the process is a major step forward and will cut down on the time commitment required of professionals and volunteers.

Mayor knight momentarily absent with Vice Mayor Gale in the Chair.

Council Member Kamen Council Member Kamen said CART should not be the final authority. There should be a dollar limit above which the Item would come to the City Council.

Council Member Lambke Council Member Lambke spoke in favor of incorporating a one-time appearance into the motion in order to speed up the process.

Council Member Cole Council Member Cole spoke against a one-time appearance. If an architect has a neighborhood review, a one-time meeting would mean other organizations would not have an opportunity to have an architectural review.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Council Member Ferris Council Member Ferris recommended a one-time appearance before the advisory board unless there were extenuating circumstances.

Motion -- Ferris moved that the City Manager draft a formal proposal to be returned to the City Council for action.
Council Member Rogers momentarily absent.

Council Member Kamen Council Member Kamen said some designs are decided by Staff, and Staff should not be making that kind of decision.

-- carried Motion carried 7 to 0.

PROCLAMATIONS

PROCLAMATIONS:

-- Civitan Club of Wichita Month.
-- Burn Awareness Week.

Motion -- Knight moved that issuance of the Proclamations be authorized. Motion carried
-- carried 7 to 0.

APPOINTMENTS

BOARD/COMMISSION APPOINTMENTS (FOR TERMS EXPIRING JUNE 30, 1999):

Commission on the Status of People with Disabilities (3 appointments - Knight, Cole, Lambke)
Convention & Tourism Committee (Ferris)
Human Services Board (Council at large)
Police & Fire Retirement Board of Trustees (Rogers)
Wichita Commission on the Status of Women (3 appointments - Gale, 2-Lambke)
Wichita-Sedgwick County Alcohol and Drug Abuse Advisory Board (Council at large)
Wichita-Sedgwick County Correctional Housing Board (Knight - Municipal Court Probation)

Motion -- Cole appointed Charles Cochran (ADAAB) and moved that the anointment be approved.
-- carried Motion carried 7 to 0.

Motion -- Knight appointed Paul Machen (Disabilities) and moved that the appointment be

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-- carried

approved. Motion carried 7 to 0.

CONSENT AGENDA

Knight moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED FEBRUARY 1, 1999.

There were no Items submitted for approval.

LICENSE APPLICATIONS

APPLICATIONS FOR LICENSES FOR ADULT ENTERTAINMENT

ESTABLISHMENTS/SERVICES:

New Escort Services

Janice Markiewicz	Entertainment 2000	1328 East Douglas
Tyrus D. Smith	Silky Danes	309 South Laura #210

Motion --
-- carried

Knight moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

Renewal	1999	(Consumption on Premises)
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Janice Vega	La Familia*	945 West 31st Street South
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(Consumption off Premises)

Wayland Waggoner	Albertsons #22112101 North Rock Road
Wayland Waggoner	Albertsons #22128714 West 13th Street
Wayland Waggoner	Albertsons #22131607 South Georgetown
Wayland Waggoner	Albertsons #22143137 South Seneca
Wayland Waggoner	Albertsons #22501910 West 21st Street North

*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

-- carried

Motion -- Knight moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

PLANS AND SPECS.

PLANS AND SPECIFICATIONS:

- a. 1999 contract maintenance quickset slurry seal, curb & gutter repair, and crack sealing in the Cherry Creek Area - south of Harry, east of Rock. (/131557/132258/110000/112000) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 10/13/98. (District III)
- b. 1999 contract maintenance thermal crack repair (full depth) of asphalt streets at various locations. (132266/112000) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 10/13/98.
- c. 1999 contract maintenance nova chip of asphalt streets at various locations.

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(132290/112000) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 10/13/98 (Districts I, II, V & VI)

d. 98-99 CDBG NRA street improvements of Estelle and Spruce between First and Second Streets. (600973/806034) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 7/21/97. (District I)

e. 1999 E/M rubberized crack seal (RS-205) of asphalt streets at various locations. (706648(A)/405218) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 10/13/98. (Districts II, III, V, & VI)

f. 1999 sanitary sewer rehabilitation program, Phase A. (468-82959/620245/ 533376) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: January 6, 1999. (Districts I & VI)

g. Greenwich Road from Kellogg to Central, Phase 2 Landscaping - north of Kellogg, east of Greenwich. (472-82738/706390/405193) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 4/11/97. (District II)

Motion --

-- carried

Knight moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., February 12, 1999. Motion carried 7 to 0.

SUBDIVISION PLANS AND SPECIFICATIONS:

a. Lateral 162, Sanitary Sewer #22 to serve Woodlake Addition - south of 2nd, west of St. Paul. (468-82951/743786/480474) Does not affect existing traffic. City Council approval date: 1/26/99 (District IV)

b. Lateral 404, Southwest Interceptor Sewer to serve Simmons Park Addition - north of 55th Street South, east of Meridian. (468-82864/743777/480468) Does not affect existing traffic. City Council approval date: 6/23/98 (District IV)

c. Water Distribution System to serve Arbor Lakes Estates - south of Harry, west of 159th Street East. (448-89269/734632/470541) Does not affect existing traffic. City Council approval date: 6/2/98.

d. Water Distribution System to serve Arbor Lakes Estates - south of Harry, west of 159th Street East. (448-89357/734905/470575) Does not affect existing traffic. City Council approval date: 2/9/99.

e. Water Distribution System to serve Smithmoor Eighth Addition - south of Harry, west of Webb. (448-89302/734900/470570) Does not affect existing traffic. City Council approval date: 8/4/98. (District II)

f. Chateau from the south line of Smithmoor Third Addition to the south line of Smithmoor Eighth Addition Smithmoor Eighth Edition - south of Harry, east of Webb. (472-82986/765547/490614) Does not affect existing traffic. City Council approval date: 7/28/98. (District II)

g. Crestwood/Rocky Glen from the east line of Rocky Creek Parkway to the north line of Lot 48, Block 6; Crestwood Court serving Lots 43 through 47, Block 6, from the south line of Crestwood to and including cul-de-sac; and Sidewalk on the north and west side of Crestwood/Rocky * Rocky Creek & Rocky Creek Second Additions - north of 13th Street, east of 127th East. (472-83033/765495/490651) Does not affect existing traffic. City Council approval date: 12/15/98. (District II)

h. Decel Lane on the west side of Meridian Avenue (major entrance and RCBC) YMCA South Addition - west of Meridian, north of I-235. (472-82951/ 765289/490630) Traffic to be maintained during construction. City Council Approval date: 6/23/98. (District IV)

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Motion -- Knight moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., February 12, 1999. Motion carried 7 to 0.

-- carried

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a. 1999 contract maintenance preparatory curb & gutter repair and miscellaneous concrete repair. (132258) - \$140,000.00
- b. 1998 enhanced maintenance area concrete reconstruction, Phase VII. (/706648) - \$234,000.00
- c. Water distribution system to serve Harbor Isle Second Addition - east of Meridian, south of 53rd Street North. (448-89272/734574/470-535) Does not affect existing traffic. City Council approval date 5/19/98. (District VI) - \$175,000.00
- d. Storm Water Sewer No. 521 to serve Buckhead Third Addition - north of Central, west of 119th Street West. (468-82948/751271/485-162) Does not affect existing traffic. City Council approval date 1/12/99. (District V) - \$252,000.00
- e. Curtis Street to serve Eck Fourth, Bratcher Second, Bob Carter, Donna's Third Additions and R. A. Morris Tracts - south of 13th Street North, east of Hoover. (472-82809/764498) - \$22,680.00
- f. Bayley Street - from the Arkansas River to St. Francis Street. (472-83032/715540) - \$2,177,879.68

Motion -- Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

-- carried

BOARDS MINUTES Minutes of Advisory Boards/Commissions:

Board of Park Commissioners, 1-11-99
Human Services Board, 10-27-98
Metropolitan Area Planning Commission (MAPC), 10-28-98
Metropolitan Area Planning Commission (MAPC), 11-19-98

Motion -- carried Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

PAVING ASSESSMENTS PROPOSED ASSESSMENT ROLLS.

Proposed Assessment Rolls have been prepared for 23 paving projects, and it is necessary to set a public hearing date. Informal hearing with City personnel will be held February 22, 1999.

Motion -- Knight moved that the hearing on the Proposed Assessment Rolls be set for 11:00 a.m., Tuesday, March 2, 1999. Motion carried 7 to 0.

-- carried

CHANGE ORDER CHANGE ORDER - BIOSOLIDS MANAGEMENT FACILITIES.

Agenda Report No. 99-090.

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On December 14, 1993, the City Council approved the Capital Improvement Program, Biosolids Treatment and Management Plan (CIP #S-500). The Biosolids Treatment & Management Plan improvements are being administered under three (3) separate contracts: Contract #1, Emergency Sludge Storage Basins, (completed); Contract #2, Plant #1 & Plant #2 Improvements, (warranty phase); and Contract #3, Biosolids Storage Facility, (completed).

Contract #2 is for the improvements to Plant #1 and Plant #2, which are now in the warranty phase. Change Order #12 is a combination of four (4) items. The associated costs are:

- Install Slide Gates at Plant #1	\$ 9,820.13
- Various Revisions	24,312.00
- Various Piping and Heating System Modifications	30,621.00
- Renovation of DAFT Re-Pressurization Pumps	28,922.00
TOTAL	\$93,675.13

The total of Change Order #12 represents 0.52% of the original total project cost and represents an added value to the City. Project-to-date change orders have represented only 4.01% of the original \$17.999 million.

The Biosolids Treatment & Management Plan has sufficient funds for 1999 with an available appropriation of \$1,413,905. The expenditure will be paid from Sewer Utility cash reserves and/or a future bond issue. The total cost of the Change Order is not to exceed \$93,675.13.

USEPA regulations, 40 CFR Part 503, require municipalities to implement an approved method of biosolids treatment, reuse/disposal and to comply with the National Pollutant Discharge Elimination System (NPDES) permit. Failure to comply would result in civil and/or criminal penalties.

Motion --
-- carried

Knight moved that the change order be approved and the Mayor be authorized to sign.
Motion carried 7 to 0.

WATER MAIN

CONSTRUCTION OF A 16-INCH WATER MAIN - HARRY STREET, FROM RIDGE ROAD TO LEARJET. (District V)

Agenda Report No. 99-091.

The City of Wichita provides treated drinking water to 331,000 people. The service population is projected to increase to over 438,000 by 2010. To ensure that future water needs of the service area are met, the Water & Sewer Department initiated a study of its water system. The Water Master Plan recommends a number of significant system improvements to ensure adequate service levels now, and in the future.

The construction of a 16-inch water main in Harry St. (Learjet Way) from Ridge Road to Learjet will supply Learjet with a second water main from the east. Currently, Learjet is only supplied from a single water main from the west. This improvement will increase the fire flow and pressure available to Learjet and is required to complete a loop in the distribution piping network in the area. Construction of the project will provide additional pressure and volume to the southwest section of the City and allow for future growth.

Water Main Design (CIP #W-535) is currently budgeted for \$230,000 for construction in 1999 in addition to the \$25,000 spent on design in 1998. To provide the funding necessary to complete this project, an additional \$70,000 needs to be allocated for this project to bring the project budget to \$325,000. The \$70,000 can be transferred from Northeast Transmission Facility (CIP #W-511). Project expenses will be paid from revenue bond proceeds and/or Water Utility cash reserves.

Motion --
-- carried

Knight moved that the project expenditures and change in the CIP be approved; the Resolution be adopted; and the Notice of Intent be published. Motion carried
7 to 0.

RESOLUTION NO. R-99-050

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A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend, and enlarge the Water and Sewer Utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$325,000, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Ayes: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

SECONDARY SERVER PURCHASE OF SECONDARY SERVER.

Agenda Report No. 99-092.

During the 1999/2000 budget process and again last fall, the Council approved the implementation of the Microsoft Exchange project. Included in that project was the purchase of a new server. Because the price of the server is greater than \$10,000, City Council authorization is required.

Due to the size and complexity of the Exchange project, the number of office automation users, and reliability demands, two servers are required. One server is already available. The second server is budgeted and the cost is within budgeted amounts.

Purchase and installation of the secondary server will cost \$19,400. Funding is available in the Office Automation project account.

The Purchasing Ordinance No. 35-856, Section 2 (b) provides for the purchase of equipment and supplies from sole sources of supply without advertising bids.

Motion -- carried

Knight moved that the purchase be approved. Motion carried 7 to 0.

PROPERTY ACQ. ACQUISITION OF 454-456 SOUTH RIDGECREST - EAST KELLOGG IMPROVEMENT PROJECT. (District II)

Agenda Report No. 99-093.

The owner of 454-456 South Ridgcrest, Sherri Cox, has expressed an interest in selling the property to the City. The site is improved with a brick duplex. Each side of the duplex has three bedrooms and one bath. The planned expansion of Kellogg will require the removal of the improvements and utilization of much of the site.

The property owner has agreed to sell the property for the appraised amount of \$135,000. Both sides of the duplex are currently leased through mid-1999 for a total of \$1,400 per month. The leases will be assumed at closing and the City will receive future revenues. The property systems and utilities are covered through June of 1999 by a home warranty policy which will be transferred to the City.

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be General Obligation Bonds. A budget of \$140,000, including \$135,000 for the acquisition and \$5,000 for closing costs and insurance, is requested.

Motion --
-- carried

Knight moved that the budget and Contract be approved; and the Mayor be authorized to sign the necessary documents. Motion carried 7 to 0.

EASEMENT ACQ. TEMPORARY EASEMENT ACQUISITION - EQUUS BEDS GROUNDWATER RECHARGE DEMONSTRATION PROJECT - SEDGWICK COUNTY.

Agenda Report No. 99-094.

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In November, 1995 the City Council approved the Equus Beds Groundwater Recharge Demonstration Project. The demonstration project is a phased, small-scale, investigative \$3.4 million trial project to test the feasibility of a full-scale \$106 million groundwater recharge, storage and recovery project to obtain state approval.

The groundwater recharge project includes the capture of above base flow water (water which is generated from rainfall runoff above the base river flow) in the Little Arkansas River, the transfer to and storage of captured water in the aquifer, and the recovery and use of this captured water to meet future demands for Wichita, Halstead, Newton, Hutchinson, McPherson, Valley Center and other communities. The Equus Beds Aquifer underlies portions of Sedgwick, Harvey, McPherson and Reno Counties and is located within the boundaries of Groundwater Management District No. 2. Since the 1950's water levels in the aquifer have dropped 20 to 40 feet as a result of heavy utilization.

The project includes a field testing program, with \$1.9 million to construct a data collection network to monitor groundwater, surface water, and water quality and to test and demonstrate the feasibility of the groundwater recharge plan.

Sites and easements for the testing were selected by the project consultants Burns & McDonnell. The proposed easements will be used for the drilling of a borehole, installing a temporary well, test pumping the well, removal of the well casing, and abandon the borehole within the Sedgwick County project area. The hydrogeologic testing is to investigate potential sites for construction of "diversion" wells to supply water from river bank storage during periods of above- normal flow in the Little Arkansas River diverting the excess water into the Equus Beds.

The City has successfully negotiated the purchase of the temporary easements for the installation of a temporary wells on the Devore property for \$1,500 for the three easements. The easements are located near the Little Arkansas River and include rights of access.

Funds for the property are available through the Water Supply Plan (Phase I and II), Equus Beds Groundwater Recharge Demonstration Project, CIP Project #W-403, as approved by the Council in November of 1995. The temporary easement will cost \$1,500.00 for the three temporary easements.

Motion --
-- carried

Knight moved that the budget and Temporary Easement Agreement be approved and the Mayor be authorized to sign the necessary documents. Motion carried 7 to 0.

BUDGET ADJUSTMENT PROSECUTION SUPERVISION - BUDGET ADJUSTMENT.

Agenda Report No. 99-095.

The City Council has designated public safety as a high priority. As a result, numerous and significant actions have been taken to provide the necessary resources to improve the operations of the Wichita Municipal Court. The Municipal Court continues to experience a high caseload placing more demand upon the prosecution staff. To better manage the high number of cases, there is a need to strengthen the overall prosecution management of cases. It is proposed that an experienced prosecutor be added to provide needed supervision of the prosecutor office. To implement this position, a budget adjustment will be required.

The proposed position of Prosecutor Supervisor will directly manage and provide overall supervision of all prosecutors and prosecution support staff, with an emphasis of being a working supervisor personally prosecuting cases on a daily basis, rotating among the various dockets. The Prosecutor Supervisor will provide legal counsel and opinions to the police on prosecutorial issues, in addition to analyzing facts, and reviewing files to evaluate cases for probable cause, errors and other prosecution decisions. In addition, this position will evaluate the prosecution functions of the City and recommend changes to the City Attorney to better manage the caseload. The current budget authorization is seven prosecutors and three support staff. The prosecutors handle cases and provide prosecution services for the following municipal court dockets: (1) Criminal, (2) Traffic, (3) Domestic Violence, (4) Neighborhood Court, (5) Drug Court, (6) Administrative Traffic Court/Snap-It, (7) Driving Under the Influence(DUI), and (8) the Attorney Walk-In Docket. The number of cases filed in Municipal Court in 1997 totaled 39,621. For 1998, the total was

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40,933.

The Prosecutor Supervisor position was not budgeted pending an evaluation of the prosecution activities. Following a review, it was determined that an experience and highly qualified prosecutor should be hired to manage the City prosecutor's office. The position is established as an Attorney III, Pay Range 111, Range \$44,929-\$62,900. Funds are available within the 1999 Budget to offset these costs.

Motion --
-- carried

Knight moved that the position of Prosecutor Supervisor and necessary budget adjustment be approved. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (First read January 26, 1999)

- a. Amendment pertaining to private security officers.

ORDINANCE NO. 44-136

An Ordinance amending Sections 3.72.010, 3.72.020, 3.72.030, 3.72.055, 3.72.130, 3.72.140, 3.72.210 and 3.72.340 of the code of the city of Wichita, Kansas, pertaining to definitions, qualifications, classifications of permits, training and revocation of license, all relating to private security officers, armored car private security officers, and private security services, and repealing the originals of said sections, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

- b. Acquisition of properties (Tracts No. 1, No. 9, & No. 11) by eminent domain for the Central Avenue Improvement Project from West Street to I-235. (Districts IV & VI)

ORDINANCE NO. 44-137

An Ordinance providing for the acquisition by eminent domain of certain private property, easements, and right-of-way therein, for the purpose of improving Central Avenue from I-235 to West Street and to be known as the Central Avenue Improvement Project in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of lands and easements therein taken and providing for payment of the cost thereof, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

- c. Z-3279 - South of Maple one-half mile, east of 135th Street West. (District V)

ORDINANCE NO. 44-138

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight. Z-3279

- d. A 99-3 - Annexation of property located 1/4 mile south of Pawnee and 1/4 mile west of Webb Road. (District II)

ORDINANCE NO. 44139

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight. A 99-3

COUNCIL PROCEEDINGS

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PLANNING AGENDA

S/D 98-82

S/D 98-82 - PLAT OF TOWNE PARC SEVENTH ADDITION LOCATED WEST OF WEBB ROAD, SOUTH OF PAWNEE. (District II)

Agenda Report No. 99-096.

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

The site is on the same agenda to be annexed into the City.

Petitions, 100%, have been submitted for City water, sanitary sewer, storm sewer and paving improvements. A Certificate of Petitions has also been submitted. To provide for off-street parking for lots adjacent to narrow streets, a covenant has been submitted requiring that four (4) off-street spaces be provided for each such lot. This site is within the noise impact area of McConnell Air Force Base and an avigational easement and restrictive noise covenant were required. An off-site utility easement was also provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, restrictive covenants, avigational easement and utility easement will be recorded with the Register of Deeds.

100 Percent Petition for construction of Water distribution System Number 448-89366 (west of Webb, south of Pawnee) \$110,000 S.A.

100 Percent Petition for construction of Lateral 146, War Industries Sewer (west of Webb, south of Pawnee) Project No. 468-82935 \$115,000 S.A.

100 Percent Petition for construction of Storm Water Sewer No. 519 (west of Webb, south of Pawnee) Project No. 468-82936 \$96,000 S.A.

100 Percent petition for improving of Cypress, Scott, Creed, Gatewood, Cypress Court, and sidewalk, Project No. 472-83074 (west of Webb, south of Pawnee) \$313,000 S.A.

Motion --

Knight moved that the Petitions be approved and the Resolutions be adopted; the documents be received and filed and recorded with the Register of Deeds; the plat be approved as recommended; and the Mayor be authorized to sign the necessary documents. Motion carried 7 to 0.

- carried

RESOLUTION NO. R-99-051

Resolution of findings of advisability and Resolution authorizing construction of Water distribution System Number 448-89366 (west of Webb, south of Pawnee) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

RESOLUTION NO. R-99-052

Resolution of findings of advisability and Resolution authorizing construction of Lateral 146, War Industries Sewer (west of Webb, south of Pawnee) Project No. 468- 82935 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

COUNCIL PROCEEDINGS

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RESOLUTION NO. R-99-053

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 519 (west of Webb, south of Pawnee) Project No. 468-82936 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

RESOLUTION NO. R-99-054

Resolution of findings of advisability and Resolution authorizing improving of Cypress, Scott, Creed, Gatewood, Cypress Court, and sidewalk, Project No. 472-83074 (west of Webb, south of Pawnee) in the City of Wichita, Kansas, pursuant to

findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Ferris, Gale, Kamen, Lambke, Rogers, Knight.

RECESS

The City Council recessed at 10:50 a.m. and returned to regular session at 11:00 a.m.

(The Council proceeded to take up Item 6; action is shown with the Item in Agenda order.)

RECESS

The City Council recessed to workshop session on Business Assistance Program at 11:30 a.m. and returned to regular session at 12:00 p.m.

EXECUTIVE SESSION

Motion --

Knight moved that the Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to legal advice, preliminary discussions relating to the acquisition of real property for public purposes, and confidential data relating to the financial affairs or trade secrets of a business, and the Council return from executive session no later than 1:00 p.m. Motion carried 7 to 0.

-- carried

RECESS

The City Council recessed at 12:00 p.m. and returned at 12:50 p.m.

Mayor Knight announced that there was no action necessary as a result of the executive session.

ADJOURNMENT

The City Council adjourned at 12:50 p.m.

Pat Burnett
City Clerk